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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,764

11/04/2003

Richard Lauch

16462

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50659

7590

07/21/2006

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,764

Applicant(s)

LAUCH, RICHARD

Examiner

Stefan Krueer

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 and 9 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi (EP 1,148,018) in view of Hossler (US 2003/0094333).

Re: Claim 1, Mitsubishi discloses an elevator drive brake element (41) rotatable between a brake reset and brake released position, a handle (18a) attached to the brake element for rotation between the locked and unlocked positions, thereby placing the brake in the reset and released positions, respectively, and a means (46) for automatically restraining said drive brake element, and thereby said handle, from rotating to said released position.

Hossler teaches further his handle (41) that is rotatable between said brake reset and released positions and a selectively operated locking means (150, Fig. 2) for maintaining said handle in a locked and, thereby, said brake reset position. His locking means is "... a commercially available keyed plunger lock... used to ensure that the handle cannot be moved out of the locked position" (Page 2, Para. 0018).

He is silent as to whether his locking means automatically locks his handle upon engagement of said locking means by said handle.

In that locking systems providing both automatic and selective engagement are well-known to industry and are commercially available, it would have been obvious to one of ordinary skill in the art to modify the invention of Mitsubishi with the teaching of Hossler to provide a commercially available locking system offering either automatic or selective engagement with a brake handle, for the benefits of minimizing design and manufacturing costs, as well as ensuring user friendliness.

Re: Claims 2 – 7 and 9 - 12, Hossler discloses said handle with a latch receiving aperture (42) and said locking means having a latching plunger (151) for releasably engaging said latch receiving aperture when said handle is in said locked position.

Whereas Mitsubishi discloses a removable handle having an elongated arm and seated in his brake element, Hossler teaches his handle having an elongated arm and affixed to his brake element (Fig. 1).

Hossler teaches an elongated arm having a leading edge (Fig. 2) for receiving said latching plunger, in keeping with said "... commercially available keyed plunger lock..." said arm having a rounded contour for receiving said latching plunger.

However, as reviewed above, Hossler is silent as to whether his locking means automatically locks his handle upon engagement of said locking means by said handle.

In that commercially available, keyed locking systems provide both automatic and selective engagement, it would have been obvious to one of ordinary skill in the art to modify the invention of Mitsubishi with the teaching of Hossler to provide a commonly used, keyed locking system for a manually actuated, override braking means, to limit access to such means by only authorized personnel.

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Hossler, as applied to Claims 1 and 9, and in further view of Aulanko.

Though Mitsubishi and Hossler are silent regarding a safety switch, attention is drawn to Aulanko who teaches "...a detector (71) ... which... can be connected to the elevator control system." (Col. 3, Line 29). Therefore, it would have been obvious to one of ordinary skill in the art to modify the inventions of Mitsubishi and Hossler with the teaching of Aulanko to provide an interlock with the elevator control system to confirm the status of an emergency brake release system.

Response to Arguments

Applicant's arguments filed 23 June 2006 have been fully considered but they are not persuasive.

Mitsubishi discloses a spring-biased latching mechanism whereby the handle is restrained from rotation unless the locking means, specifically its plunger (46), is manually retracted, thereby teaching an automatic locking mechanism in combination with a handle as used by service personnel to engage/disengage an elevator braking device, whereby the handle is locked from rotating from its brake reset to brake release positions.

Hossler teaches the concepts of a locking means including a keyed lock and a handle with latch engaging aperture, whereby the handle of his braking device can be locked in a brake reset position through engagement of a latching plunger. Though Hossler is silent as to whether or not the plunger is automatically or selectively engaged, Hossler teaches that his locking means is a "commercially available keyed lock" whereby both automatically and selectively engaged plungers are well-known.

In that Mitsubishi discloses an automatically activated latching plunger, which must be manually retracted to enable rotation of his handle, and Hossler teaches further the concept of a latch engaging aperture of his locking means, whereby his locking means is commercially available and therefore common to the art, the employment of a locking means for automatic activation upon engagement with the handle would have been obvious to one having ordinary skill in the art; therefore, the instant claims are not patentable over the references as applied above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Krueer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F, 09:00 - 18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

19 July 2006



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600